

1 JOHN A. CURTAS, ESQ.
Nevada Bar Number 1841
2 317 South 6th Street
Las Vegas, Nevada 89101
3 Telephone: (702) 678-5070
Facsimile: (702) 878-9995
4

Attorneys for Defendant LA FUENTE, INC. dba
5 CHEETAH'S
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

THEODORE TRAPP, on his own behalf and on
11 behalf of all others similarly situated,

12 Plaintiff,

13 vs.

CASE NO.: 2:09-cv-00995-LDG-PAL

**LA FUENTE, INC. d/b/a CHEETAH'S
ANSWER TO COMPLAINT**

14 BIG POPPA'S, LLC, a Nevada Limited Liability
Company d/b/a BADDA BING MEN'S CLUB;
15 SKYTOP VENDING, INC., A Nevada Corporation
d/b/a CANCAN ROOM; LA FUENTE, INC., a
16 Nevada corporation d/b/a CHEETAH'S; C.P.
FOOD AND BEVERAGE, INC., A Nevada
17 corporation d/b/a CLUB PARADISE; DEJA VU
SHOWGIRLS OF LAS VEGAS, LLC, a Nevada
18 limited liability company d/b/a DEJA VU
SHOWGIRLS OF LAS VEGAS; PALOMINO
19 CLUB, INC., a Nevada corporation d/b/a/
PALOMINO CLUB; SHAC, LLC, a Nevada
20 limited liability company d/b/a SAPPHIRE; K-
KEL, INC., a Nevada corporation d/b/a
21 SPEARMINT RHINO; D.2801 WESTWOOD,
INC. a Nevada corporation d/b/a/ TREASURES;
22 LITTLE DARLINGS OF LAS VEGAS, LLC, a
Nevada limited liability company d/b/a LITTLE
23 DARLINGS; O.G. ELIADES, A.D., LLC, a Nevada
limited liability company d/b/a OLYMPIC
24 GARDENS; LAS VEGAS ENTERTAINMENT,
LLC, a Nevada limited liability company d/b/a
25 LARRY FLYNT'S HUSTLER CLUB; MICHAEL
A. SALTMAN d/b/a MINXX; RICK'S LAS
26 VEGAS; FRIAS MANAGEMENT, LLC, a Nevada
limited liability company d/b/a ACE CAB
27 COMPANY and A-NORTH LAS VEGAS CAB;
28

1 WESTERN CAB COMPANY a Nevada
2 corporation d/b/a WESTERN CAB COMPANY
3 and WESTERN LIMOUSINE; NEVADA
4 CHECKER CAB CORPORATION; a Nevada
5 corporation d/b/a CHECKER CAB COMPANY;
6 NEVADA STAR CAB CORPORATION, a Nevada
7 corporation d/b/a/ STAR CAB COMPANY;
8 NEVADA YELLOW CAB CORPORATION, a
9 Nevada corporation d/b/a YELLOW CAB; LUCKY
10 CAB COMPANY OF NEVADA, a Nevada
11 corporation d/b/a/ LUCKY TRANS; SUN CAB,
12 INC., a Nevada corporation d/b/a/ NELLIS CAB
13 COMPANY; CLS NEVADA, LLC, a Nevada
14 limited liability company d/b/a CLS
TRANSPORTATION LAS VEGAS; ON
DEMAND SEDAN SERVICES, LLC, a Nevada
limited liability company d/b/a ODS LIMOUSINE
and ODS CHAUFFEURED TRANSPORTATION;
BLS LIMOUSINE SERVICES OF LAS VEGAS,
INC., a Nevada corporation d/b/a/ BLS
LIMOUSINE SERVICES OF LAS VEGAS;
DESERT CAB, INC., a Nevada corporation d/b/a/
DESERT CAB COMPANY and ODYSSEY
LIMOUSINE; BELL TRANS, A NEVADA
CORPORATION, a Nevada corporation d/b/a
BELL TRANS; TONY CHONG, an individual; and
DOE EMPLOYEES 1-1000,

15 Defendants.

16 COMES NOW, Defendant, LA FUENTE, INC. d/b/a CHEETAH'S (hereinafter referred to
17 as "Defendant") by and through its attorney, JOHN A. CURTAS, ESQ., to hereby Answer Plaintiff's
18 Complaint as follows:

19 **NATURE OF ACTION**

20 1. Defendant is without knowledge or information sufficient to form a belief as to the
21 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
22 contained in Paragraph One.

23 2. Defendant is without knowledge or information sufficient to form a belief as to the
24 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
25 contained in Paragraph Two.

26 3. Defendant is without knowledge or information sufficient to form a belief as to the
27 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
28 contained in Paragraph Three.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Four.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Five.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Six.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Seven.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Eight.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Nine.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Ten.

PARTIES

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Eleven.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Twelve.

1 13. Defendant is without knowledge or information sufficient to form a belief as to the
2 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
3 contained in Paragraph Thirteen.

4 14. Defendant admits each and every averment contained in Paragraph Fourteen.

5 15. Defendant is without knowledge or information sufficient to form a belief as to the
6 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
7 contained in Paragraph Fifteen.

8 16. Defendant is without knowledge or information sufficient to form a belief as to the
9 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
10 contained in Paragraph Sixteen.

11 17. Defendant is without knowledge or information sufficient to form a belief as to the
12 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
13 contained in Paragraph Seventeen.

14 18. Defendant is without knowledge or information sufficient to form a belief as to the
15 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
16 contained in Paragraph Eighteen.

17 19. Defendant is without knowledge or information sufficient to form a belief as to the
18 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
19 contained in Paragraph Nineteen.

20 20. Defendant is without knowledge or information sufficient to form a belief as to the
21 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
22 contained in Paragraph Twenty.

23 21. Defendant is without knowledge or information sufficient to form a belief as to the
24 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
25 contained in Paragraph Twenty-One.

26 22. Defendant is without knowledge or information sufficient to form a belief as to the
27 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
28 contained in Paragraph Twenty-Two.

1 23. Defendant is without knowledge or information sufficient to form a belief as to the
2 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
3 contained in Paragraph Twenty-Three.

4 24. Defendant is without knowledge or information sufficient to form a belief as to the
5 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
6 contained in Paragraph Twenty-Four.

7 25. Defendant is without knowledge or information sufficient to form a belief as to the
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
9 contained in Paragraph Twenty-Five.

10 26. Defendant is without knowledge or information sufficient to form a belief as to the
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
12 contained in Paragraph Twenty-Six.

13 27. Defendant is without knowledge or information sufficient to form a belief as to the
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
15 contained in Paragraph Twenty-Seven.

16 28. Defendant is without knowledge or information sufficient to form a belief as to the
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
18 contained in Paragraph Twenty-Eight.

19 29. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
21 contained in Paragraph Twenty-Nine.

22 30. Defendant is without knowledge or information sufficient to form a belief as to the
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
24 contained in Paragraph Thirty.

25 31. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph Thirty-One.

28 32. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
2 contained in Paragraph Thirty-Two.

3 33. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
5 contained in Paragraph Thirty-Three.

6 34. Defendant is without knowledge or information sufficient to form a belief as to the
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
8 contained in Paragraph Thirty-Four.

9 35. Defendant is without knowledge or information sufficient to form a belief as to the
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
11 contained in Paragraph Thirty-Five.

12 36. Defendant is without knowledge or information sufficient to form a belief as to the
13 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
14 contained in Paragraph Thirty-Six.

15 37. Defendant is without knowledge or information sufficient to form a belief as to the
16 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
17 contained in Paragraph Thirty-Seven.

18 38. Defendant is without knowledge or information sufficient to form a belief as to the
19 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
20 contained in Paragraph Thirty-Eight.

21 39. Defendant is without knowledge or information sufficient to form a belief as to the
22 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
23 contained in Paragraph Thirty-Nine.

24 40. Defendant is without knowledge or information sufficient to form a belief as to the
25 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
26 contained in Paragraph Forty.

27 **JURISDICTION AND VENUE**

28 41. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
2 contained in Paragraph Forty-One.

3 42. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
5 contained in Paragraph Forty-Two.

6 43. Defendant is without knowledge or information sufficient to form a belief as to the
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
8 contained in Paragraph Forty-Three.

9 GENERAL ALLEGATIONS

10 44. Defendant is without knowledge or information sufficient to form a belief as to the
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
12 contained in Paragraph Forty-Four.

13 45. Defendant is without knowledge or information sufficient to form a belief as to the
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
15 contained in Paragraph Forty-Five.

16 46. Defendant is without knowledge or information sufficient to form a belief as to the
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
18 contained in Paragraph Forty-Six.

19 47. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
21 contained in Paragraph Forty-Seven.

22 48. Defendant is without knowledge or information sufficient to form a belief as to the
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
24 contained in Paragraph Forty-Eight.

25 49. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph Forty-Nine.

28 50. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
2 contained in Paragraph Fifty.

3 51. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
5 contained in Paragraph Fifty-One.

6 52. Defendant is without knowledge or information sufficient to form a belief as to the
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
8 contained in Paragraph Fifty-Two.

9 53. Defendant is without knowledge or information sufficient to form a belief as to the
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
11 contained in Paragraph Fifty-Three.

12 54. Defendant is without knowledge or information sufficient to form a belief as to the
13 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
14 contained in Paragraph Fifty-Four.

15 55. Defendant is without knowledge or information sufficient to form a belief as to the
16 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
17 contained in Paragraph Fifty-Five.

18 56. Defendant is without knowledge or information sufficient to form a belief as to the
19 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
20 contained in Paragraph Fifty-Six.

21 57. Defendant is without knowledge or information sufficient to form a belief as to the
22 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
23 contained in Paragraph Fifty-Seven.

24 58. Defendant is without knowledge or information sufficient to form a belief as to the
25 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
26 contained in Paragraph Fifty-Eight.

27 **EFFECT ON LAS VEGAS**

28 59. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
2 contained in Paragraph Fifty-Nine.

3 60. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
5 contained in Paragraph Sixty.

6 61. Defendant is without knowledge or information sufficient to form a belief as to the
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
8 contained in Paragraph Sixty-One.

9 62. Defendant is without knowledge or information sufficient to form a belief as to the
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
11 contained in Paragraph Sixty-Two.

12 **ALLEGATIONS AS TO THE NAMED PLAINTIFF**

13 63. Defendant is without knowledge or information sufficient to form a belief as to the
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
15 contained in Paragraph Sixty-Three.

16 64. Defendant is without knowledge or information sufficient to form a belief as to the
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
18 contained in Paragraph Sixty-Four.

19 65. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
21 contained in Paragraph Sixty-Five.

22 66. Defendant is without knowledge or information sufficient to form a belief as to the
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
24 contained in Paragraph Sixty-Six.

25 67. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph Sixty-Seven.

28 68. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
2 contained in Paragraph Sixty-Eight.

3 69. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
5 contained in Paragraph Sixty-Nine.

6 70. Defendant is without knowledge or information sufficient to form a belief as to the
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
8 contained in Paragraph Seventy.

9 71. Defendant is without knowledge or information sufficient to form a belief as to the
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
11 contained in Paragraph Seventy-One.

12 72. Defendant is without knowledge or information sufficient to form a belief as to the
13 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
14 contained in Paragraph Seventy-Two.

15 73. Defendant is without knowledge or information sufficient to form a belief as to the
16 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
17 contained in Paragraph Seventy-Three.

18 **CLASS CERTIFICATION ALLEGATIONS**

19 74. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
21 contained in Paragraph Seventy-Four.

22 75. Defendant is without knowledge or information sufficient to form a belief as to the
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
24 contained in Paragraph Seventy-Five.

25 76. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph Seventy-Six.

28 77. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
2 contained in Paragraph Seventy-Seven.

3 78. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
5 contained in Paragraph Seventy-Eight.

6 79. Defendant is without knowledge or information sufficient to form a belief as to the
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
8 contained in Paragraph Seventy-Nine.

9 **ALLEGATIONS RELATING TO VIOLATIONS OF THE NEVADA RACKETEER**
10 **INFLUENCED & CORRUPT ORGANIZATIONS ACT (N.R.S. 207.470 *et seq.*)**
(AGAINST ALL DEFENDANTS)

11 **The RICO Club Enterprises**

12 80. Defendant denies each and every averment contained in Paragraph Eighty.

13 81. Defendant is without knowledge or information sufficient to form a belief as to the
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
15 contained in Paragraph Eighty-One.

16 82. Defendant is without knowledge or information sufficient to form a belief as to the
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
18 contained in Paragraph Eighty-Two.

19 83. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
21 contained in Paragraph Eighty-Three.

22 **The RICO Club Criminal Syndicates**

23 84. Defendant denies each and every averment contained in Paragraph Eighty-Four.

24 **The RICO Driver Enterprises**

25 85. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph Eighty-Five.

28 **The RICO Driver Criminal Syndicates**

1 86. Defendant is without knowledge or information sufficient to form a belief as to the
2 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
3 contained in Paragraph Eighty-Six.

4 87. Defendant is without knowledge or information sufficient to form a belief as to the
5 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
6 contained in Paragraph Eighty-Seven.

7 **The Predicate Acts of the Driver Defendants**

8 88. Defendant is without knowledge or information sufficient to form a belief as to the
9 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
10 contained in Paragraph Eighty-Eight.

11 89. Defendant is without knowledge or information sufficient to form a belief as to the
12 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
13 contained in Paragraph Eighty-Nine.

14 90. Defendant is without knowledge or information sufficient to form a belief as to the
15 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
16 contained in Paragraph Ninety.

17 **The Predicate Acts of the Club Defendants**

18 91. Defendant denies each and every averment contained in Paragraph Ninety-One.

19 92. Defendant denies each and every averment contained in Paragraph Ninety-Two.

20 93. Defendant denies each and every averment contained in Paragraph Ninety-Three.

21 94. Defendant denies each and every averment contained in Paragraph Ninety-Four.

22 95. Defendant is without knowledge or information sufficient to form a belief as to the
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
24 contained in Paragraph Ninety-Five.

25 96. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph Ninety-Six.

28 97. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
2 contained in Paragraph Ninety-Seven.

3 98. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
5 contained in Paragraph Ninety-Eight.

6 **Nevada Rico Injury**

7 99. Defendant is without knowledge or information sufficient to form a belief as to the
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
9 contained in Paragraph Ninety-Nine.

10 100. Defendant is without knowledge or information sufficient to form a belief as to the
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
12 contained in Paragraph One Hundred.

13 **COUNT 1**

14 **(VIOLATION OF NEVADA RACKETEERING STATUTE)**
15 **(N.R.S. §207.400(1)(a)(2))**
16 **(As To Club Defendants)**

17 101. Defendant incorporates each and every response contained in the foregoing
18 paragraphs as if fully set forth herein

19 102. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
21 contained in Paragraph One Hundred Two.

22 103. Defendant is without knowledge or information sufficient to form a belief as to the
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
24 contained in Paragraph One Hundred Three.

25 **COUNT II**

26 **(VIOLATION OF NEVADA RACKETEERING STATUTE)**
27 **(N.R.S. §207.400(1)(b))**
28 **(As To Club Defendants)**

104. Defendant incorporates each and every response contained in the foregoing
paragraphs as if fully set forth herein.

105. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Five.

106. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Six.

107. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Seven.

COUNT III

(VIOLATION OF NEVADA RACKETEERING STATUTE)
(N.R.S. §207.400(1)(c))
(As To Club Defendants)

108. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

109. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Nine.

110. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Ten.

111. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Eleven.

COUNT IV

(VIOLATION OF NEVADA RACKETEERING STATUTE)
(N.R.S. §207.400(1)(c))
(As To Driver Defendants)

112. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

113. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirteen.

114. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Fourteen.

115. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Fifteen.

COUNT V

(VIOLATION OF NEVADA RACKETEERING STATUTE)
(N.R.S. §207.400(1)(d))
(As To Club Defendants)

116. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

117. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Seventeen.

118. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Eighteen.

119. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Nineteen.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty.

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1 **COUNT VI**

2 **(VIOLATION OF NEVADA RACKETEERING STATUTE)**

3 **(N.R.S. §207.400(1)(d))**

4 **(As To Driver Defendants)**

5 121. Defendant incorporates each and every response contained in the foregoing
6 paragraphs as if fully set forth herein.

7 122. Defendant is without knowledge or information sufficient to form a belief as to the
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
9 contained in Paragraph One Hundred Twenty-Two.

10 123. Defendant is without knowledge or information sufficient to form a belief as to the
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
12 contained in Paragraph One Hundred Twenty-Three.

13 124. Defendant is without knowledge or information sufficient to form a belief as to the
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
15 contained in Paragraph One Hundred Twenty-Four.

16 125. Defendant is without knowledge or information sufficient to form a belief as to the
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
18 contained in Paragraph One Hundred Twenty-Five.

19 **COUNT VII**

20 **(VIOLATION OF NEVADA RACKETEERING STATUTE)**

21 **(N.R.S. §207.400(1)(h))**

22 **(As To Club Defendants)**

23 126. Defendant incorporates each and every response contained in the foregoing
24 paragraphs as if fully set forth herein.

25 127. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph One Hundred Twenty-Seven.

28 128. Defendant is without knowledge or information sufficient to form a belief as to the
truth of the averments contained therein and, therefore, on that basis, denies each and every averment
contained in Paragraph One Hundred Twenty-Eight.

129. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty-Nine.

130. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirty.

131. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirty-One.

COUNT VIII

(VIOLATION OF NEVADA RACKETEERING STATUTE)
(N.R.S. §207.400(1)(h))
(As To Driver Defendants)

132. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

133. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirty-Three.

134. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirty-Four.

135. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirty-Five.

136. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirty-Six.

137. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment

1 contained in Paragraph One Hundred Thirty-Seven.

2 **COUNT IX**

3 **(ACTION UNDER N.R.S. §41.600 NEVADA DECEPTIVE TRADE PRACTICES ACT)**
4 **(As To All Defendants)**

5 138. Defendant incorporates each and every response contained in the foregoing
6 paragraphs as if fully set forth herein.

7 139. Defendant is without knowledge or information sufficient to form a belief as to the
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
9 contained in Paragraph One Hundred Thirty-Nine.

10 140. Defendant is without knowledge or information sufficient to form a belief as to the
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
12 contained in Paragraph One Hundred Forty.

13 141. Defendant is without knowledge or information sufficient to form a belief as to the
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
15 contained in Paragraph One Hundred Forty-One.

16 142. Defendant is without knowledge or information sufficient to form a belief as to the
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
18 contained in Paragraph One Hundred Forty-Two.

19 143. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
21 contained in Paragraph One Hundred Forty-Three.

22 144. Defendant is without knowledge or information sufficient to form a belief as to the
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
24 contained in Paragraph One Hundred Forty-Four.

25 145. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
27 contained in Paragraph One Hundred Forty-Five.

28 146. Defendant is without knowledge or information sufficient to form a belief as to the
truth of the averments contained therein and, therefore, on that basis, denies each and every averment

1 contained in Paragraph One Hundred Forty-Six.

2 147. Defendant is without knowledge or information sufficient to form a belief as to the
3 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
4 contained in Paragraph One Hundred Forty-Seven.

5 148. Defendant is without knowledge or information sufficient to form a belief as to the
6 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
7 contained in Paragraph One Hundred Forty-Eight.

8 149. Defendant is without knowledge or information sufficient to form a belief as to the
9 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
10 contained in Paragraph One Hundred Forty-Nine.

11 150. Defendant is without knowledge or information sufficient to form a belief as to the
12 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
13 contained in Paragraph One Hundred Fifty.

14 151. Defendant is without knowledge or information sufficient to form a belief as to the
15 truth of the averments contained therein and, therefore, on that basis, denies each and every averment
16 contained in Paragraph One Hundred Fifty-One.

17 **AFFIRMATIVE DEFENSES**

18 **FIRST AFFIRMATIVE DEFENSE**

19 Plaintiff's Complaint fails to state a claim against Defendant upon which relief may be granted.

20 **SECOND AFFIRMATIVE DEFENSE**

21 Plaintiff's breach of contract cause of action is barred by the Statue of Frauds.

22 **THIRD AFFIRMATIVE DEFENSE**

23 Plaintiff's Complaint fails to join all necessary parties in violation of applicable statues, rules
24 and regulations, including NRCP 23.1.

25 **FOURTH AFFIRMATIVE DEFENSE**

26 Plaintiff requests or prays for impermissible relief.

27 **FIFTH AFFIRMATIVE DEFENSE**

28 Plaintiff's damages, if any, were caused in whole or part, or were contributed to by reason of

1 Plaintiff's own negligence and/or willful conduct.

2 **SIXTH AFFIRMATIVE DEFENSE**

3 Plaintiff's claims are barred as Plaintiff has waived its right to assert a portion or all of its
4 claims against Defendant.

5 **SEVENTH AFFIRMATIVE DEFENSE**

6 Plaintiff's claims are barred by estoppel.

7 **EIGHTH AFFIRMATIVE DEFENSE**

8 Plaintiff's claims are barred by the doctrine of unclean hands.

9 **NINTH AFFIRMATIVE DEFENSE**

10 Plaintiff's claims are barred by failure and lack of consideration.

11 **TENTH AFFIRMATIVE DEFENSE**

12 Plaintiff's claims are barred by laches.

13 **ELEVENTH AFFIRMATIVE DEFENSE**

14 Defendant does not owe any duty to Plaintiff.

15 **TWELFTH AFFIRMATIVE DEFENSE**

16 Plaintiff has failed to mitigate its alleged damages.

17 **THIRTEENTH AFFIRMATIVE DEFENSE**

18 Plaintiff's claims are subject to setoff and offset.

19 **FOURTEENTH AFFIRMATIVE DEFENSE**

20 Plaintiff has failed to plead a violation of Nevada's civil RICO statute with sufficient
21 specificity required under the law.

22 **FIFTEENTH AFFIRMATIVE DEFENSE**

23 Defendant hereby incorporates by reference those affirmative defenses enumerated in the
24 Rule 8 of the Federal Rules of Civil Procedure as if fully set forth herein. In the event further
25 investigation or discovery reveals the applicability of such defenses, Defendant reserves the right to

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28 ///

1 seek leave of Court to amend its Answer to specifically assert the same. Such defenses are herein
2 incorporated by the reference for the specific purpose of not waiving the same.

3
4 Dated this 24th day of August, 2009

5
6 By: _____ /s/
7 John A. Curtas, #1841
8 317 South 6th Street
9 Las Vegas, Nevada 89101
10 Telephone: (702) 678-5070
11 Facsimile: (702) 878-9995
12 Attorneys for Defendant LA FUENTE, INC.
13 d/b/a CHEETAH'S
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By: /s/
Jacqueline Delgado
Employee of John A. Curtas, Esq.